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Supreme Court, U. S.
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APPENDIX

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973.

No. 73-1006

ANTHONY R. MARTIN-TRIGONA,
Petitioner,

vs.

SUPREME COURT OF ILLINOIS,
Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS.

ANTHONY R. MARTIN-TRIGONA,
Suite 2910A,
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Chicago, Illinois 60611,
(312) 467-6760.

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legislature and the State Supreme Court are corrupt, has declared that the fitness committee members are emotionally ill and are like "scum," has alleged that he has been harrassed by the organized bar, has accused judges of being insane, and of soliciting bribes, has charged specific members of the bar as being "unscrupulous and incompetent," and has charged a member of the bar with "champerty, barratry and maintenance" and stated that the attorney was a "palsied lunatic," the applicant's conduct results in a basis for denial of his application for admission to the bar. (pp. 307-310)

9. SAME—*Committee on Character and Fitness has duty to investigate applicants for admission to the bar.* Under the rules of the Illinois Supreme Court the Committee on Character and Fitness is charged with the duty of inquiry and investigation of applicants for admission to the bar; it is the committee's duty to conduct a sufficient investigation to enable it to properly pass upon an admission application; and its action is not governed by the same rule as disciplinary actions against attorneys. (p. 310)

10. SAME—*applicant's accusations against admission committee members do not preclude committee from considering application to the bar.* An applicant for admission to the bar is not denied procedural due process because the Committee on Character and Fitness, which found the petitioner not qualified to practice law, had been the subject of accusations made by the applicant prior to the committee's decision. (p. 311)

Application for admission to the bar.

JOHN F. BANZHAF III, of Washington, D. C., for applicant.

ROBERT P. CUMMINS and JOHN L. CLINE, both of Chicago, for the Committee on Character and Fitness.

PER CURIAM: Petitioner, Anthony R. Martin-Trigona, applies to this court for admission to the practice of law in this State after the Committee on Character and Fitness for the First Judicial District was unable to certify that he had the requisite good moral character and general fitness to practice law. 50 Ill.2d R. 708(d).

Petitioner passed the Illinois bar examination in March, 1970, and submitted his application with the necessary affidavits to the Committee on Character and

Fitness for the Fourth Judicial District. That committee conducted an extensive investigation of petitioner and held four hearings. Petitioner subsequently sought disqualification of the committee, and we ordered the matter referred to the Committee on Character and Fitness for the First Judicial District and further directed that committee to employ counsel to assist in the discharge of its duties.

Following an extensive period of correspondence between counsel for the committee and its members and petitioner and his counsel, during which time petitioner's counsel withdrew and new counsel was retained by him, that committee advised the petitioner of four matters that bore adversely to his application. First, his refusal to undergo a current psychiatric examination; second, his misleading characterization on his application of pending litigation in which he was involved; third, his communications with the committee and its counsel; fourth, the volume, nature and content of the litigation set out in his application. A hearing was held at which petitioner was represented by counsel. The committee, after receiving evidence, including various affidavits in support of petitioner's admission, was unable to certify him as qualified to practice law. In his brief, petitioner presents three issues: first, the record does not support the committee's findings; second, he was denied procedural due process; third, any further delay in his admission to practice would be unconscionable.

As the United States Supreme Court has said, "A State can require high standards of qualification, such as good moral character or proficiency in its law, before it admits an applicant to the bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law." (*Schware v. Board of Bar Examiners of New Mexico, 353 U.S. 232, 239, 1 L. Ed. 2d 796, 801-2, 77 S. Ct. 752; Law Students Civil Rights Research Council v. Wadmond, 401 U.S. 154, 27 L. Ed. 2d 749, 91 S. Ct. 720.*) It follows that the State possesses the

authority to inquire into an applicant's private and professional qualifications in making this determination. In *Konigsberg v. State Bar of California, 366 U.S. 36, 6 L. Ed. 2d 105, 81 S. Ct. 997,* the court described a screening process for applicants who sought admission to the California bar. This procedure is comparable to that existing in this State, which initially places the burden of establishing good moral character and fitness to practice upon the applicant. Properly constituted committees have the power to investigate, question and determine fitness. (*In re Latimer, 11 Ill.2d 327, cert. denied, 355 U.S. 82, 2 L. Ed. 2d 111, 78 S. Ct. 153.*) Where an applicant refuses to cooperate in such investigation by failing to answer constitutionally permissible questions or where the evidence adduced demonstrates other appropriate bases, a State may deny admission.

In the case at bar the First District committee requested that petitioner undergo a psychiatric examination by a specialist who would be mutually acceptable to the parties. This request occurred after the Fourth District committee had obtained information in petitioner's Selective Service file which indicated that petitioner had been purportedly found unfit for military service because of a "moderately-severe character defect manifested by well documented ideation with a paranoid flavor and a grandiose character." His rejection had occurred subsequent to filing his initial application for admission. This information was revealed after the chairman of the Fourth District committee had written the State Director of Selective Service on March 12, 1971, seeking access to petitioner's file. Several days later the State Director, pursuant to the appropriate regulation then in effect (32 C.F.R. sec. 1606.32(4)), authorized that an appropriate committee representative would be permitted to "review" this material at State Selective Service headquarters.

At the hearing before the First District committee, petitioner objected to the introduction of this Selective

Service material. The committee overruled the objection and accepted the documents. Petitioner then submitted affidavits from his personal psychologist to the effect that any emotional problems he had previously experienced were due to factors that had since been reconciled. Petitioner further challenged the power of the committee to recommend a psychiatric examination.

Petitioner does not now contest the validity of the aforementioned Federal regulation but rather seeks to exclude the introduction of the Selective Service material on the basis that no lawful authority was established to copy the documents because the authorization only stated that the file might be reviewed. He specifically objects to the use of several documents in the file because of their alleged hearsay nature and his inability to confront the declarant as to the truth of matters therein stated. He further argues that a subsequent favorable report submitted by his personal psychologist in February, 1973, as to his present emotional stability far outweighs any detrimental observations contained in prior reports by this individual. Finally, petitioner asserts that he is willing to undergo a psychiatric examination, but only if this court so orders.

Consideration of the myriad issues raised as to petitioner's mental stability is not necessary. We find that the matters hereinafter discussed are sufficiently adverse to petitioner to warrant denial of his application for admission.

The second matter to be considered is the description of a pending action listed in petitioner's amended application filed with the First District committee which characterized a lawsuit filed by petitioner as one "for interference with [a] lease." The record reveals that this small-claims action, commenced in January, 1972, against a judge, was for "conspiracy, extortion, attempted theft and related offenses *** violation of the Organized Crime Control Act of 1970, and denial of due process and civil

rights ***, and other tortious conduct." It is to be gathered from the record that this action apparently arose from this judge's conduct while in the performance of his judicial functions. Petitioner sought damages of $500.

Petitioner now alleges that there is no proof that this was a mischaracterization. Further, he maintains that his attorneys prepared this application and he did not even see this document prior to his signing the affidavit of verification to the effect that the matters contained therein were true. At the hearing before the First District committee, his former attorneys admitted that they had prepared the amended application and submitted it prior to petitioner having seen it. However, the attorneys testified that the amended application was prepared from information supplied by the petitioner and that they were unaware of the true nature of the case.

Our rules (50 Ill.2d R. 708(b)) require that an applicant submit a verified application to the Committee on Character and Fitness. It is his duty to see that matters therein are accurately described. Where, as here, a gross mischaracterization appears, the committee is justified in refusing to certify the applicant unless a reasonable explanation is proffered. A satisfactory explanation was not made in this instance. And, as we noted in the case of *In re Latimer, 11 Ill.2d 327, 336, cert. denied, 355 U.S. 82*, the giving of improper oaths subjects the declarant's integrity and veracity to question.

It was further proved that petitioner in his correspondence with the First District committee, its counsel and this court, made charges against the members of that committee and its counsel that were untrue, scurrilous and defamatory. While the volume of correspondence is extensive, the substance of several letters will be set out in detail. In correspondence to the committee's counsel he made a number of frivolous demands including a request for a list of clients of each committee member and the political affiliations of each member. In another, petitioner

charges that the General Assembly and this court were corrupt, that this court had already decided the merits of his case and that the committee members were emotionally ill and might be compared to "scum" that rose to the top of their profession. In correspondence with this court petitioner charged that "clubby, powerful, Chicago Lawyers" were unduly delaying and harrassing him and he demanded that the committee members undergo psychiatric examination. Petitioner also asserted that in secret sessions with his prior counsel, the committee's attorney attempted to force him to cease various pending litigation. He further alleged that he had been harrassed by the organized bar through its questionable, illegal acts, and its attempt to affect a political campaign he was waging at the time. The record reveals charges of a similar nature in other correspondence which contains at times vulgar and profane language.

Petitioner contends that this correspondence is protected by the first amendment's freedom of speech provision and because of its private nature has not caused public harm to any person, organization or profession. Thus, while he concedes these communications are unusual and forceful, he maintains that no action may be taken against him. The question presented is not the scope of petitioner's rights under the first amendment but whether his propensity to unreasonably react against anyone whom he believes opposes him reveals his lack of responsibility, which renders him unfit to practice law.

This type of conduct is not confined to these proceedings. Where judges have ruled against him, petitioner has seemingly ignored proper appellate procedure by his unprofessional actions. He made a "Motion to Vacate Fraudulent Judgment [against petitioner] Entered by an Insane Judge", accusing this judge of misconduct caused by "a pathological antipathy of the defendant [petitioner] which rendered her [judge] temporarily mentally insane for the purposes of proceeding against the

defendant." In this motion petitioner asserted that this judge was a defendant in another action commenced by petitioner and therefore should have disqualified herself from consideration of the case in which a monetary judgment was entered against him. This case is described in his amended application for admission as involving a "parking violation" which was filed in December, 1971.

In another matter petitioner filed a motion in December, 1972, against another judge, seeking a hearing to determine "his sanity, competence and fitness to hold judicial office." In petitioner's affidavit in support of this motion he averred that the judge told him to entreat another individual in order to obtain an extension of time in a pending matter. Petitioner refused and further suggested to the judge that the latter "not participate in the case further because you [judge] will be named as a defendant in a related case today." Petitioner claimed that the judge then began to yell, physically assault him, and "spit" on him. As a result of this altercation petitioner concluded that the judge was "not mentally competent to discharge the duties of a Circuit Judge and, whether from marital or medical problems, or from psychopathic hatred of the affiant [petitioner], is not in a fit state of mind to act in any case involving affiant." Petitioner substantially repeated his conclusions as to the sanity of this judge when he entered his appearance in the case therein pending before the same judge, and in this document further alleged that the judge had unsuccessfully attempted to solicit a bribe from petitioner. He further castigated opposing counsel, a city attorney, in this pending matter as being "unscrupulous and incompetent" and "illegally" representing the city of Urbana, Illinois.

On the same day petitioner filed the aforementioned motions, he also instituted an action naming the judge as a defendant. It was alleged that this judicial officer was involved in a vast conspiracy with real-estate brokers, a bank, the city attorney and others designed to deprive

petitioner of his property interests and, *inter alia*, it further alleged this judge's involvement in the aforementioned bribery attempt. It would appear from the record that petitioner then sought dismissal of this action without prejudice.

Further, petitioner has, in the course of other business relations in February, 1973, written a letter to a member of the bar referring to documents which bore this attorney's signature as having been signed by a "palsied lunatic." Petitioner specifically charged this attorney with "champerty, barratry and maintenance" and described him as "shaking and tottering and drooling like an idiot, *** a physically and mentally sick man ***." Petitioner demanded that this attorney cease his "insane activity." The invective directed against this lawyer, who suffers from a mild case of cerebral palsy, was occasioned upon his serving "notice of forfeiture" upon petitioner in an unrelated real-estate transaction. Petitioner objected to the introduction of this letter and several other aforementioned documents because both sides had rested their cases. Thus he concludes there was no need for him to attempt to refute them. The committee's acceptance of this material was not improper, for we believe that committee counsel had the right to introduce evidence in rebuttal to petitioner's presentation, and many of these matters arose after this counsel had initially presented his case.

Such conduct by an attorney would warrant disciplinary action. (*In re Sarelas, 50 Ill.2d 87.*) Where it appears that a candidate, who represents to this court that he is fit to practice law, proceeds in the same manner, it can only result in a basis for denial of his application.

Petitioner argues that he was denied procedural due process before the First District committee. The thrust of his allegation is threefold. He asserts that the committee counsel improperly functioned in a dual role of "investigator and prosecutor" while advising the committee

members as to legal matters pertaining to this case. Secondly, he implies that the committee was not in a position to render a decision adverse to him because of his accusations directed at committee members. Finally, he suggests that the entire committee may have been prejudicially affected because four of its members voluntarily disqualified themselves after substantive rulings had been made. To alleviate any possible charge of bias in future cases of this nature petitioner suggests a possible alternative procedure applicable to attorney disciplinary matters. However, petitioner requests that in this instance, because of lengthy delay, we ignore the committee's recommendation in arriving at our decision as to the propriety of petitioner's qualifications.

Our decision in the case of *In re Latimer, 11 Ill.2d 327, cert. denied, 355 U.S. 82,* is dispositive of several of these contentions. In that case we observed: "Admission cases are not governed by the same rule as disciplinary actions against attorneys, where definite charges are lodged. Under our rules the committee is charged with the duty of inquiry and investigation, not preferring charges, and granting certificates only to such personnel as are fit, by good character and morals, to be admitted to the practice of law." (11 Ill.2d at 332.) We further noted that it was the committee's duty to conduct a sufficient investigation to enable it to properly pass upon an admission application. In this regard we find no basis for petitioner's critical analysis of the function of counsel for the committee.

We must reject the contention that the committee was an improper forum to decide petitioner's case because it had been allegedly prejudiced by his accusations against it. The tenor of petitioner's correspondence is analogous to that involved in *Latimer,* and our remarks there are equally applicable in this instance. "They [applicant's statements] were disparaging of the commissioners *** and constituted a form of intimidation calculated to compel the granting

of a certificate of good moral character and fitness, irrespective of applicant's qualifications." (11 Ill.2d at 333.) Moreover, under the circumstances, we believe the voluntary disqualification by several committee members during the course of these proceedings is rather indicative of the conclusion that petitioner received a proper determination as to the merits of his application and we reject any contrary suggestion.

In petitioner's presence at the termination of oral argument in this cause on June 21, 1973, we directed the clerk of this court to file all correspondence directed to the court or its members by petitioner concerning this matter. This material was to be incorporated in the record. After this cause was taken under advisement for decision and opinion, each member of this court on or about July 23, 1973, received notice that his deposition was being taken by petitioner on written interrogatories in a pending action commenced by petitioner in the Federal District Court, Northern District of Illinois (73 C 1255), against counsel for the First District committee and other parties. The clerk is now directed to file those interrogatories as a part of the record in this proceeding.

After review of all these matters, we find that it has been demonstrated that petitioner should not be admitted to the practice of law in this State. While it is not challenged that he may possess the requisite academic qualifications to practice law, the record overwhelmingly establishes that he lacks the qualities of responsibility, candor, fairness, self-restraint, objectivity and respect for the judicial system which are necessary adjuncts to the orderly administration of justice. Petitioner's application for admission is denied.

Application denied.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973.

No. 73-1006.

ANTHONY R. MARTIN-TRIGONA,

Petitioner,

vs.

SUPREME COURT OF ILLINOIS,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS.

MEMORANDUM FOR RESPONDENT IN OPPOSITION

QUESTION PRESENTED

Must a state admit to the bar an applicant whose record contains substantial evidence of psychiatric instability, misrepresentation to the bar admissions committee, and "untrue, scurrilous, and defamatory" charges against that committee, its counsel and judges of the Illinois courts?

STATEMENT*

The only issue presented by this record is one of fact. Was the bar admissions committee's rejection of the petitioner for membership in the Illinois bar supported by adequate evidence?

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* The judgment of the Supreme Court of Illinois was entered on 25 September 1973. Petitioner filed a typewritten petition for certiorari on 27 December 1973, more than 90 days after judgment.

As the Supreme Court of Illinois held, there was an abundance of evidence to support the conclusion that petitioner lacks the qualities of responsibility, candor, fairness, self-restraint, objectivity and respect for the judicial system which are necessary attributes for admission to the bar. A copy of the Illinois Supreme Court's opinion is set forth in the Appendix.

One cannot read the record in this case without accepting the conclusions of the bar admissions committee and the Supreme Court of Illinois. A detailed statement of the facts supporting the judgment would require a brief in opposition of excessive length. We, therefore, present here only the highlights of the record.

In his application for admission, petitioner alleged that urgency was required because he was being called into the armed services. When he was rejected for such service, the admissions committee discovered that the Selective Service System had classified petitioner as suffering a "moderately-severe character defect manifested by well documented ideation with a paranoid flavor and a grandiose character." The committee thereupon called for the petitioner to submit to a psychiatric examination. To this he responded:

> "Your gang asked me to undergo a mental examination. I said I would if you would also consent to undergo examination by a doctor of my choice. That is fair, I am sure you will agree. In fact, if I could expose the sexual and neurotic deficiencies of the committee and most lawyers —well, I am sure you would be scared stiff to undergo analysis. . . .
>
> "I further note, in closing, that your predecessors made a demand for an 'examination,' based on wholly frivolous grounds, and I in turn demanded that you gentlemen undergo a similar screening. You have to date not responded to my polite request."

He later agreed to submit to such an examination if ordered do so by the Supreme Court of Illinois:

"However, if you petition the Illinois Supreme Court to order a psych examination and the Illinois Supreme Court orders me to undergo such an examination and chooses the doctor, I will undergo it without one more peep, promptly.

"This way, by my agreeing to undergo such an examination if the court orders it—after an opportunity for argument before the court (either orally or in writing)—you cannot fuck me using the old Anastaplo trick, i.e., hitting a guy not for what he did, but rather for what he did not do to cooperate.

"I am cooperating, honest injun. You get the Supreme Court of Illinois to order a psych examination and I will take it without any questions asked.

"Now where does that leave you and yours. Looking like a bunch of fools I think. I am cooperating, and if you can get the court to order such an examination I will go along with it. Go to it booby; you have my full and undiluted cooperation."

The record is replete with evidence that supports both the nois Supreme Court's determination of the unfitness for bar mission and the Selective Service System's characterization of rtin-Trigona as one who suffers a "character-defect . . . h a paranoid flavor and a grandiose character." Petitioner been a litigant in numerous cases, in most of which he has llenged the courts and counsel with "oppression," "harassnt," "perjury," "conspiracy," "bias," "collusion," "irrationy," etc., etc.

In April, 1972, a criminal charge was brought against the itioner in the Circuit Court of Champaign County, Illinois. e matter was entitled *People of the State of Illinois* v. *thony R. Martin-Trigona,* No. 72-X-520, charging the ofses of disorderly conduct and assault. On May 1, 1972, itioner filed a petition in the United States District Court for Eastern District of Illinois at Danville, Illinois to remove

the case to the federal court. The petition was objected to and a motion was filed to remand the case to the State Court. In the petition for removal, petitioner stated that "the judges of the circuit court have indicated a predilection for oppression and harassment which is almost unprecedented," and that the state trial judge, Judge Skillman, "does not even have a legal education and is thus, at best, completely lost in a court of law." Petitioner further claimed that "these matters cannot be brought to trial so long as Mr. Johnson (the states attorney) and Mr. Skillman, and co-conspirators are willing to use prejury and comit (sic) other offenses to harass and oppress the plaintiff/petitioner." After a hearing Chief Judge Wise of the Eastern District of Illinois, in an order dated August 25, 1972, denied the petition and remanded the case to the state court.

A flurry of motions were then filed by the petitioner in the state criminal proceeding, and three separate lawsuits were filed in the federal court at Danville, all challenging the competency or bias of the judges of the Circuit Court of Champaign County, Illinois. For example, on October 18, 1972, in the state criminal proceeding, petitioner filed a Motion to Remove C. R. Skillman and All Judges of the Sixth Judicial Circuit Regularly Sitting in Champaign County from Further Participation in the Cause, wherein he asserted that the aforesaid judges "are prejudiced against the defendant and have colluded and conspired in order that the frivolous and malicious litigation now pending be instituted." On that same day, petitioner filed a Motion for Competency Hearing, seeking to "impanel a jury to inquire into the competency of the complaining witnesses . . ." In his Memorandum of Points and Authorities in Support of Motion to Dismiss, also filed on October 18, 1972, petitioner charged that the judge and state's attorney, Messrs. Johnson and Skillman, who were involved in the prosecution, were "acting out of personal malice in suborning perjury, and trying to harass and injure both a business competitor and adverse litigant." In a Supplemental Memorandum in Support of Motions, filed Novem-

1, 1972, petitioner charged that "this proceeding is a ny, collusive, conspirational harssment (sic) proceeding ng brought with malice and in bad faith by the state's at- ney, presiding judge and complainants."

Petitioner followed with a second Motion to Remove Judges, d on November 27, 1972. A letter to the Honorable Birch rgan, Chief Judge of the Circuit Court of Champaign unty, Illinois, on November 28, 1972, included an attack Judge Lump who, according to petitioner, had shown an clination to act irrationally and to act with blithe insouciance her responsibility to be an impartial and fair judge." On cember 1, 1972, petitioner filed with the Supreme Court of nois a Motion for Leave to File Petition for Writ of Super- ory Order, asking the Supreme Court of Illinois to order the rcuit Court of Champaign County, Illinois to act favorably the various motions he had filed.

In order to avoid even a semblance of unfairness, Chief dge Morgan, on December 21, 1972, assigned the criminal oceeding to Judge John P. Shonkwiler of the Circuit Court of tt County, Illinois. In response to this action, petitioner, January 3, 1973 filed a motion to transfer the proceeding Cook County, Illinois. Before the court could rule on the tion, petitioner filed a Notice of Withdrawal of Motion—New tion for Substitution of Presiding Judge, charging that the wly appointed judge was appointed as the result of "im- propriety and cronyism." In the same document, he charged t the entire "State's Attorney's office of Champaign County not be trusted to honor its obligation to the courts of Illinois pursue this matter in an honest, open and professionally re- nsible manner as evidenced by lies, cheating, phony proceed- s, and other scurrilous and malicious actions by the incum- t state's attorney and his immediate predecessor." There- n, on February 27, 1973, the Supreme Court of Illinois gned the criminal proceeding to Circuit Judge Robert J. el at the courthouse at Watseka, Illinois, in the Twelfth icial District for further proceedings.

On May 4, 1973, petitioner appeared at a hearing before Judge Immel where he challenged Judge Immel: "I hope they are paying you well for this fixed case." Petitioner also asked the court reporter to provide him with a transcript of the hearing "before it gets doctored." The judge directed petitioner to be present for a trial before a jury on the criminal charges on May 21, 1973.

Petitioner then filed a second petition in the federal district court for the Eastern District of Illinois to remove the case from the state court. That petition was also denied by Chief Judge Wise and the case was again remanded to the state court.

On May 21, 1973, a panel of 51 jurors was called to the Champaign County Court House expressly for petitioner's trial on the criminal charges. The prospective jurors were kept waiting for two days, but petitioner failed to appear. Judge Immel ordered a warrant issued for the plaintiff and directed the state's attorney to institute contempt proceedings. Thereupon, Judge Immel set a further hearing date of June 4, 1973. Judge Immel then disqualified himself from further proceedings in the case.

Subsequently, the Supreme Court of Illinois appointed Judge Richard Mills of the Circuit Court of Cass County, Illinois, to sit specially in the proceedings regarding the petitioner.

Until Monday, September 24, 1973, petitioner stayed out of Champaign County and deputy sheriffs were unable to serve the contempt warrant. On that day, petitioner appeared at the Champaign County Court House with a lawyer. At that time, a hearing was conducted before Judge Mills on the contempt charge which resulted in a finding of guilt. Sentencing was scheduled for October 30, 1973.

On October 19, 1973, petitioner sent a letter to Richard T. Dunn, Chairman of the Illinois Judicial Inquiry Board, in which he accused Robert Underwood, Chief Justice of the Supreme Court of Illinois, and Judge Mills of "conduct prejudicial to the

administration of justice or that brings the judicial office into disrepute." He further accused Justice Underwood and Judge Mills of "conspiring to use my criminal case as a vehicle for obtaining campaign publicity for Judge Mills." He further stated:

> "In my own opinion beneath the wooden exterior of Judge Underwood beats the heart of a man every bit as corrupt as our worst crooks in Illinois, and as you know we have some pretty big crooks in Illinois politics and the judiciary."

Finally, he stated that "the second area of my complaint against Judge Mills relates to his attempts to solicit a bribe from me. In fact, I do not think he was actually seeking or needed money. I strongly suspect he was trying to entrap me, and then expose me, for purposes of campaign publicity."

During October, 1973, petitioner also filed a lawsuit in the United States District Court for the Eastern District of Illinois, No. CV-73-92-D, against Judge Mills, the individual justices of the Supreme Court of Illinois, and the Attorney General of Illinois, challenging, again, the state criminal proceeding against him. In that complaint, among other accusations, he accused Judges Morgan and Immel of the state court of attempting to devise "ways and means of fixing the jury panel which would be selected to try plaintiff's prosecution." He accused all defendants of "making false statements, knowingly false and malicious" against petitioner, and he accused Judge Mills of threatening him with "imprisonment, beatings and sexual assaults."

The plantiff was sentenced in the contempt case on October 30, 1973. Notice of Appeal was filed on October 30, 1973 and the case is presently before the Illinois Appellate Court. The petitioner was released on bond pending appeal in an order of the Illinois Appellate Court dated November 2, 1973.

The assault and disorderly conduct case wa. again set for trial before Judge Mills on Monday, December 17, 1973. At that

time a Notice of Nonparticipation in Trial and Waiver of Right to Be Present At Trial was filed by petitioner. He was tried before a jury and found guilty of disorderly conduct and not guilty of assault.

Petitioner also misrepresented at least one piece of litigation which he identified in his answer to question 11(a) of his bar admission application. In an amendment to that answer, petitioner identified Civil Action No. 72-S-108 as a "suit for interference with lease." In that action, filed in the Circuit Court of Champaign County, Illinois, petitioner was plaintiff and one Stecyk was identified as the defendant. Upon further investigation, it was determined that the defendant Stecyk was a judge of the Circuit Court of Champaign County and that the complaint in the action, rather than being for "interference with lease" alleged "conspiracy, extortion, attempted theft and related offenses." In passing, it should be noted that the lawsuit in question arose solely because Judge Stecyk had entered a default judgment against petitioner in an earlier case in the state court.

As shown by the foregoing facts, petitioner has manifested decidedly hostile attitudes towards members of the legal profession he seeks to join. In addition to the examples above, and by no means exhaustive of all such incidents, petitioner wrote a letter, dated June 10, 1972, to Robert Cummins, counsel for the bar admissions committee, wherein he asserted that "you strike me as a professionally unsatisfied lawyer, who has to go on the west side for his jollies." He further charged that Mr. Cummins was "full of unclean substances," a "dirty rat," a "sick man," and a "liar." He referred to Mr. Donald Egan, a member of the bar admissions committee , as "a profoundly upset and disoriented individual." Finally, he referred to the entire committee as "a rotten, dirty bunch."

Simply stated, respondent asserts that whatever the appropriate standard against which the denial of an application for

bar admission is to be measured, petitioner's conduct has conclusively been shown to support the denial of his application. See *In re Latimer*, 11 Ill. 2d 327, *cert. denied*, 355 U. S. 82 (1957); *In re Sarelas*, 50 Ill. 2d 87 (1971), *cert. denied*, 406 U. S. 968 (1972); *In re Sarelas*, 360 F. Supp. 794 (N. D. Ill. 1973). He has evidenced little or no regard for attorneys, prosecutors, judges and citizens alike. His only criteria for unleashing his scathing, irresponsible attacks appears to be whether or not an individual has in any way ever had cause to act against petitioner's interests. As such, his actions manifest a total lack of the emotional stability, responsibility and restraint necessary to the proper performance of the duties and obligations of a member of the bar.

CONCLUSION.

The Supreme Court of Illinois acted properly in denying petitioner's application for bar admission. Accordingly, it is respectfully submitted that this petition for a writ of certiorari should be denied.

Respectfully submitted,

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April 26, 1974.

APPENDIX

Docket No. Mr 1297—Agenda 48— May, 1973.

In re ANTHONY R. MARTIN-TRIGONA, *Petitioner.*

PER CURIAM: Petitioner, Anthony R. Martin-Trigona, applies to this court for admission to the practice of law in this State after the Committee on Character and Fitness for the First Judicial District was unable to certify that he had the requisite good moral character and general fitness to practice law. 50 Ill. 2d R. 708(d).

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Following an extensive period of correspondence between counsel for the committee and its members and petitioner and his counsel, during which time petitioner's counsel withdrew and new counsel was retained by him, that committee advised the petitioner of four matters that bore adversely to his application. First, his refusal to undergo a current psychiatric examination; second, his misleading characterization on his application of pending litigation in which he was involved; third his communications with the committee and its counsel; fourth, the volume, nature and content of the litigation set out in his application. A hearing was held at which petitioner was represented by counsel. The committee, after receiving evidence, including

various affidavits in support of petitioner's admission, was unable to certify him as qualified to practice law. In his brief, petitioner presents three issues: first, the record does not support the committee's findings; second, he was denied procedural due process; third, any further delay in his admission to practice would be unconscionable.

As the United States Supreme Court has said, "A State can require high standards of qualifications, such as good moral character or proficiency in its law, before it admits an applicant to the bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law." (*Schware* v. *Board of Bar Examiners of New Mexico*, 353 U. S. 232, 239, 1 L. Ed. 2d 796, 801-2, 77 S. Ct. 752; *Law Students Civil Rights Research Council* v. *Wadmond*, 401 U. S. 154, 27 L. Ed. 2d 749, 91 S. Ct. 720.) It follows that the State possesses the authority to inquire into an applicant's private and professional qualifications in making this determination. In *Konigsberg* v. *State Bar of California*, 366 U. S. 36, 6 L. Ed. 2d 105, 81 S. Ct. 997, the court described a screening process for applicants who sought admission to the California bar. This procedure is comparable to that existing in this State which initially places the burden of establishing good moral character and fitness to practice upon the applicant. Properly constituted committees have the power to investigate, question and determine fitness. (*In re Latimer*, 11 Ill. 2d 327, *cert. denied*, 355 U. S. 82, 2 L. Ed. 2d 111, 78 S. Ct. 153.) Where an applicant refuses to cooperate in such investigation by failing to answer constitutionally permissible questions or where the evidence adduced demonstrates other appropriate bases, a State may deny admission.

In the case at bar the First District committee requested that petitioner undergo a psychiatric examination by a specialist who would be mutually acceptable to the parties. This request occurred after the Fourth District committee had obtained information in petitioner's Selective Service file which indicated

that petitioner had been purportedly found unfit for military service because of a "moderately-severe character defect manifested by well documented ideation with a paranoid flavor and a grandiose character." His rejection had occurred subsequent to filing his initial application for admission. This information was revealed after the chairman of the Fourth District committee had written the State Director of Selective Service on March 12, 1971, seeking access to petitioner's file. Several days later the State Director, pursuant to the appropriate regulation then in effect (32 C. F. R. sec. 1606.32(4), authorized that an appropriate committee representative would be permitted to "review" this material at State Selective Service headquarters.

At the hearing before the First District committee, petitioner objected to the introduction of this Selective Service material. The committee overruled the objection and accepted the documents. Petitioner then submitted affidavits from his personal psychologist to the effect that any emotional problems he had previously experienced were due to factors that had since been reconciled. Petitioner further challenged the power of the committee to recommend a psychiatric examination.

Petitioner does not now contest the validity of the aforementioned Federal regulation but rather seeks to exclude the introduction of the Selective Service material on the basis that no lawful authority was established to copy the documents because the authorization only stated that the file might be reviewed. He specifically objects to the use of several documents in the file because of their alleged hearsay nature and his inability to confront the declarant as to the truth of matters therein stated. He further argues that a subsequent favorable report submitted by his personal psychologist in February, 1973, as to his present emotional stability far outweighs any detrimental observations contained in prior reports by this individual. Finally, petitioner asserts that he is willing to undergo a psychiatric examination, but only if this court so orders.

Consideration of the myriad issues raised as to petitioner's mental stability is not necessary. We find that the matters hereinafter discussed are sufficiently adverse to petitioner to warrant denial of his application for admission.

The second matter to be considered is the description of a pending action listed in petitioner's amended application filed with the First District committee which characterized a lawsuit filed by petitioner as one "for interference with [a] lease." The record reveals that this small-claims action, commenced in January, 1972, against a judge, was for "conspiracy, extortion, attempted theft and related offenses * * * violation of the Organized Crime Control Act of 1970, and denial of due process and civil rights * * *, and other tortious conduct." It is to be gathered from the record that this action apparently arose from this judge's conduct while in the performance of his judicial functions. Petitioner sought damages of $500.

Petitioner now alleges that there is no proof that this was a mischaracterization. Further, he maintains that his attorneys prepared this application and he did not even see this document prior to his signing the affidavit of verification to the effect that the matters contained therein were true. At the hearing before the First District committee, his former attorneys admitted that they had prepared the amended application and submitted it prior to petitioner having seen it. However, the attorneys testified that the amended application was prepared from information supplied by the petitioner and that they were unaware of the true nature of the case.

Our rules (50 Ill. 2d R. 708(b)) require that an applicant submit a verified application to the Committee on Character and Fitness. It is his duty to see that matters therein are accurately described. Where, as here, a gross mischaracterization appears, the committee is justified in refusing to certify the applicant unless a reasonable explanation is proffered. A satisfactory explanation was not made in this instance. And, as we noted in the case of *In re Latimer*, 11 Ill. 2d 327, 336, *cert. denied*, 355

U. S. 82, the giving of improper oaths subjects the declarant's integrity and veracity to question.

It was further proved that petitioner in his correspondence with the First District committee, its counsel and this court, made charges against the members of that committee and its counsel that were untrue, scurrilous and defamatory. While the volume of correspondence is extensive, the substance of several letters will be set out in detail. In correspondence to the committee's counsel he made a number of frivolous demands including a request for a list of clients of each committee member and the political affiliations of each member. In another, petitioner charges that the General Assembly and this court were corrupt, that this court had already decided the merits of his case and that the committee members were emotionally ill and might be compared to "scum" that rose to the top of their profession. In correspondence with this court petitioner charged that "clubby, powerful, Chicago Lawyers" were unduly delaying and harrassing him and he demanded that the committee members undergo psychiatric examination. Petitioner also asserted that in secret sessions with his prior counsel, the committee's attorney attempted to force him to cease various pending litigation. He further alleged that he had been harassed by the organized bar through its questionable, illegal acts, and its attempt to affect a political campaign he was waging at the time. The record reveals charges of a similar nature in other correspondence which contains at times vulgar and profane language.

Petitioner contends that this correspondence is protected by the first amendment's freedom of speech provision and because of its private nature has not caused public harm to any person, organization or profession. Thus, while he concedes these communications are unusual and forceful, he maintains that no action may be taken against him. The question presented is not the scope of petitioner's rights under the first amendment but whether his propensity to unreasonably react against

anyone whom he believes opposes him reveals his lack of responsibility, which renders him unfit to practice law.

This type of conduct is not confined to these proceedings. Where judges have ruled against him, petitioner has seemingly ignored proper appellate procedure by his unprofessional actions. He made a "Motion to Vacate Fraudulent Judgment [against petitioner] Entered by an Insane Judge", accusing this judge of misconduct caused by "a pathological antipathy of the defendant [petitioner] which rendered her [judge] temporarily mentally insane for the purposes of proceeding against the defendant." In this motion petitioner asserted that this judge was a defendant in another action commenced by petitioner and therefore should have disqualified herself from consideration of the case in which a monetary judgment was entered against him. This case is described in his amended application for admission as involving a "parking violation" which was filed in December, 1971.

In another matter petitioner filed a motion in December, 1972, against another judge, seeking a hearing to determine "his sanity, competence and fitness to hold judicial office." In petitioner's affidavit in support of this motion he averred that the judge told him to entreat another individual in order to obtain an extension of time in a pending matter. Petitioner refused and further suggested to the judge that the latter "not participate in the case further because you [judge] will be named as a defendant in a related case today." Petitioner claimed that the judge then began to yell, physically assault him, and "spit" on him. As a result of this altercation petitioner concluded that the judge was "not mentally competent to discharge the duties of a Circuit Judge and, whether from marital or medical problems, or from psychopathic hatred of the affiant [petitioner], is not in a fit state of mind to act in any case involving affiant." Petitioner substantially repeated his conclusions as to the sanity of this judge when he entered his appearance in the case therein pending before the same judge, and in this document

further alleged that the judge had unsuccessfully attempted to solicit a bribe from petitioner. He further castigated opposing counsel, a city attorney, in this pending matter as being "unscrupulous and incompetent" and "illegally" representing the city of Urbana, Illinois.

On the same day petitioner filed the aforementioned motions, he also instituted an action naming the judge as a defendant. It was alleged that this judicial officer was involved in a vast conspiracy with real-estate brokers, a bank, the city attorney and others designed to deprive petitioner of his property interests and, *inter alia,* it further alleged this judge's involvement in the aforementioned bribery attempt. It would appear from the record that petitioner then sought dismissal of this action without prejudice.

Further, petitioner has, in the course of other business relations in February, 1973, written a letter to a member of the bar referring to documents which bore this attorney's signature as having been signed by a "palsied lunatic." Petitioner specifically charged this attorney with "champerty, barratry and maintenance" and described him as "shaking and tottering and drooling like an idiot, * * * a physically and mentally sick man * * *." Petitioner demanded that this attorney cease his "insane activity." The invective directed against this lawyer, who suffers from a mild case of cerebral palsy, was occasioned upon his serving "notice of forfeiture" upon petitioner in an unrelated real-estate transaction. Petitioner objected to the introduction of this letter and several other aforementioned documents because both sides had rested their cases. Thus he concludes there was no need for him to attempt to refute them. The committee's acceptance of this material was not improper, for we believe that committee counsel had the right to introduce evidence in rebuttal to petitioner's presentation, and many of these matters arose after this counsel had initially presented his case.

Such conduct by an attorney would warrant disciplinary action. (*In re Sarelas,* 50 Ill. 2d 87.) Where it appears that

a candidate, who represents to this court that he is fit to practice law, proceeds in the same manner, it can only result in a basis for denial of his application.

Petitioner argues that he was denied procedural due process before the First District committee. The thrust of his allegation is threefold. He asserts that the committee counsel improperly functioned in a dual role of "investigator and prosecutor" while advising the committee members as to legal matters pertaining to this case. Secondly, he implies that the committee was not in a position to render a decision adverse to him because of his accusations directed at committee members. Finally, he suggests that the entire committee may have been prejudicially affected because four of its members voluntarily disqualified themselves after substantive rulings had been made. To alleviate any possible charge of bias in future cases of this nature petitioner suggests a possible alternative procedure applicable to attorney disciplinary matters. However, petitioner requests that in this instance, because of lengthy delay, we ignore the committee's recommendation in arriving at our decision as to the propriety of petitioner's qualifications.

Our decision in the case of *In re Latimer*, 11 Ill. 2d 327, *cert. denied*, 355 U. S. 82, is dispositive of several of these contentions. In that case we observed: "Admission cases are not governed by the same rule as disciplinary actions against attorneys, where definite charges are lodged. Under our rules the committee is charged with the duty of inquiry and investigation, not preferring charges, and granting certificates only to such personnel as are fit, by good character and morals, to be admitted to the practice of law." (11 Ill. 2d at 332.) We further noted that it was the committee's duty to conduct a sufficient investigation to enable it to properly pass upon an admission application. In this regard we find no basis for petitioner's critical analysis of the function of counsel for the committee.

We must reject the contention that the committee was an improper forum to decide petitioner's case because it had been

allegedly prejudiced by his accusations against it. The tenor of petitioner's correspondence is analogous to that involved in *Latimer*, and our remarks there are equally applicable in this instance. "They [applicant's statements] were disparaging of the commissioners * * * and constituted a form of intimidation calculated to compel the granting of a certificate of good moral character and fitness, irrespective of applicant's qualifications." (11 Ill. 2d at 333.) Moreover, under the circumstances, we believe the voluntary disqualification by several committee members during the course of these proceedings is rather indicative of the conclusion that petitioner received a proper determination as to the merits of his application and we reject any contrary suggestion.

In petitioner's presence at the termination of oral argument in this cause on June 21, 1973, we directed the clerk of this court to file all correspondence directed to the court or its members by petitioner concerning this matter. This material was to be incorporated in the record. After this cause was taken under advisement for decision and opinion, each member of this court on or about July 23, 1973, received notice that his deposition was being taken by petitioner on written interrogatories in a pending action commenced by petitioner in the Federal District Court, Northern District of Illinois (73 C 1255), against counsel for the First District committee and other parties. The clerk is now directed to file those interrogatories as a part of the record in this proceeding.

After review of all these matters, we find that it has been demonstrated that petitioner should not be admitted to the practice of law in this State. While it is not challenged that he may possess the requisite academic qualifications to practice law, the record overwhelmingly establishes that he lacks the qualities of responsibility, candor, fairness, self-restraint, objectivity and respect for the judicial system which are necessary adjuncts to the orderly administration of justice. Petitioner's application for admission is denied.

Application denied.

MAY 13 1974
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-1006

ANTHONY R. MARTIN-TRIGONA,

Petitioner,

vs.

SUPREME COURT OF ILLINOIS,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS

PETITIONER'S REPLY TO THE MEMORANDUM OF RESPONDENTS

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SUMMARY OF ARGUMENT

t is the respondents' contention that petitioner does not de-
e to be admitted to the practice of law; therefore, whether
constitutional rights were violated or not is irrelevant.

t is the petitioner's argument that his constitutional rights
e violated in his bar admission proceedings; therefore,
ether he should have been admitted or not is irrelevant for
purposes of review.

1. In Their Answer, Respondents Did Not Address Themselves to the Issues Presented by the Petition for Certiorari.

Petitioner argued in his petition that his constitutional rights had been seriously violated in two different areas: (1) he had been punished for exercising his First Amendment rights to comment on and criticize government officials; (2) he had been denied his procedural rights under the Fourteenth Amendment in the long series of hearings which led to his denial of admission to the bar. In no way did the response of the respondents address itself to these constitutional claims.

With respect to his denial of due process, petitioner concluded on the basis of the record before the Court that (a) he had been forced to undergo a second lengthy series of hearings when no grounds were found in a first series of hearings to deny him admission; the response does not contest this conclusion. Petitioner alleged that no findings beyond a reasonable doubt were made against him but, on the contrary, a vague and indefinable evidentiary standard had been applied against him; the response does not contest this allegation. Petitioner charged that he had been placed under a continuing and unshiftable burden of proof to disprove alleged charges against him; respondents do not attack this conclusion. Petitioner claimed vague and indefinite charges were placed against him which were impossible to answer, and these charges were amended after the close of the hearings when there was no opportunity to respond. Again, the respondents are silent on any challenge to this conclusion. Finally, petitioner alleged that different standards were applied to him, as an applicant for the bar, than would have been applied to him if he were an attorney being disciplined for improper conduct. The respondents could hardly contest this allegation because the opinion of the Court below clearly states: "Admission cases are not governed by the same rule as disciplinary cases against attorneys, *where definite charges are lodged.*" (Emphasis added.)

With respect to his denial of First Amendment rights, petitioner freely conceded having made a number of strong statements after several years of silence by petitioner and repeated provocations by respondents. Petitioner noted (i) these statements were protected by the First Amendment and (ii) they had, in any event, largely been made in private correspondence. Further petitioner concluded that to the extent respondents had provoked adverse commentary by forcing petitioner to undergo years of hearings without charges, the respondents could hardly base a denial of admission on their own provocative conduct. Respondents did not object to the conclusion that petitioner was punished for exercising his First Amendment right, because respondents concluded without proof or benefit of any evidentiary record that petitioner's conclusions were "unreasonable."

Respondents' response appears to proceed along the assumption that because respondents had concluded petitioner was in some manner a "bad man," and should be denied admission to practice his profession, they were under no requirement to protect petitioner's constitutional rights or to accord him fair hearings consistent with constitutional standards. Buttressing their conclusions, the respondents appear to openly mischaracterize their own prior positions, and to recast their prior decisions in a new light.

For example, respondents claim petitioner was denied admission because of "substantial evidence of psychiatric instability." This is simply untrue. Petitioner was never charged with being unstable; he was charged with refusing to undergo a psychiatric examination, which he had in fact agreed to undergo as the respondents then concede. Despite the fact respondents are thus contradicted on the bare record, they initiate in this Court a defense grounded on the "psychiatric instability" of the petitioner. More interesting, of course, is the fact that the Court below expressly refused to even address itself to this issue or in any way to decide it; the opinion is clear on that point.

Thus, rather than defend the constitutionality of the proceedings below, respondents apparently prefer to continue their attacks on the character of the petitioner. Although petitioner has never consulted a psychiatrist, he is thus accused of a psychiatric condition.[1] This Court can best decide for itself what weight it will devote to such responsive arguments.

2. It Would Be Inappropriate for Petitioner to Reopen the Record Before This Court by Responding to the New Accusations of Respondent.

The respondents are apparently either unaware of, or deliberately choose to ignore, the role played by this Court in our Constitutional system. The Supreme Court is not a trial court; it is not a Court which can or would sit in judgment on whether petitioner should be admitted to the bar or not. It sits to determine constitutional issues on the basis of the record below. On the mistaken or deliberate assumption that the case is still open, and that petitioner is still fair game for attacks by the respondents, the respondents thus largely ignore the constitutional issues presented in the petition and, amazingly, devote

1. The record below establishes that in 1970 petitioner's fiance was dying of brain illness, and soon thereafter died; that her mother and his mother were both hospitalized with serious illness; that petitioner was under severe strain because of months of bar admission hearings without any charges being made, and that he was drafted and told to abandon his business. Petitioner did consult a family friend, a *psychologist*, who attempted to help petitioner from being drafted and indeed, his fiance's mother also requested that he be allowed to remain behind with her dying daughter. The months of bar admission hearings were also a substantial strain, and at no time had *any* charges been made against petitioner. The psychologist later found that the bar case had been a substantial source of petitioner's anxiety during this period. Having thus served as a substantial source of the tension, respondents now seek to take advantage of their improper tactics by accusing the petitioner of "psychiatric instability" although he has never in his life himself consulted a psychiatrist. These types of tactics do not do honor to the respondents and, again, this Court can best judge for itself the weight which will be accorded such patent misrepresentations to this Court.

some seven (7) pages of their nine (9) page response to new accusations against the petitioner, none of which are in the record and some of which happened long after the decision of the Court below.

Indeed, it would not be unreasonable for this Court to view for itself the pattern which emerges in the response, and which has appeared at several prior points in the proceeding. Time and time again, when past action cannot be justified on the record, new accusations are proffered to support past decisions. When the Fourth District committee could find no basis to deny petitioner admission, the case was not closed; it was reopened in the First District. When the First District failed to make out a case against petitioner after a combined three year investigation, and was unable to call a single witness to testify against petitioner after this three year investigation, the First District amended the charges *after* the close of the hearings at a time when it was impossible to respond in any reasonable manner. Again, before this Court, the respondents ignore the record below and fail to find in it any justification for their past conduct in denying petitioner admission; instead, they look to future actions, some of which occurred after their decision, as support for the action they took. Thus, petitioner has constantly been forced to pursue, as he is again invited to do so by the respondents in this Court, a will'-o'-the-wisp argument and defense, a constantly shifting case against him, never closed, and always open to new attacks against petitioner. As a possibly unethical ploy, the tactic may nevertheless have some benefit for the respondents.

Petitioner is confronted with a Hobson's choice. If he wades into a defense of new attacks and arguments presented by the respondents and which are totally beyond the record before this Court, the petitioner risks becoming bogged down in a quagmire and seeking to use the very improper tactics of the respondents. If, on the other hand, petitioner ignores the new accusations and attacks, he risks allowing this Court to conclude there

may be some substantial foundation for the new attacks, which there is not. Petitioner can only trust to the good judgment of this Court and counter with the conclusion that those who are afraid to address the record and defend on the record, must have something to fear in the record. At all times petitioner has relied on the record in support of his claims, while respondents have studiously avoided the record and have relied on new accusations and new charges to justify their past actions.

Again, it should be evident that respondents fail to apprehend the role of this Court. The Court does not sit in judgment to referee a mudslinging match, conducted according to the bizarre rules of Illinois politics; it addresses itself to only substantial constitutional questions and issues. If, as petitioner points out from the record, petitioner was denied his professional admission in proceedings which violated constitutional standards of due process and which were used to punish him for the exercise of his constitutional rights, then there is substantial constitutional question presented worthy of further study by this Court.

The issue is not whether petitioner is a bad man or a good man, whether he should have been admitted to the bar *vel non*. The issue is solely whether his constitutional rights were violated and, if they were, that is a point to which this Court can and would likely want to address itself.

CONCLUSION

The record reflects that in his brief lifetime and during the period relevant to the proceedings below, petitioner had: been an honor student at the University of Illinois and graduated from the College of law; he had three times been to Viet-Nam as a combat correspondent and photographer (Senator Douglas assisted in sending him the first time); he had been a consumer advocate and real estate businessman and had served, in 1966, on the staff of then-Senator Paul Douglas. During over three years of investigation, conducted by a private detective agency,

Regional Investigators, Inc., respondents could not find a single witness to come forth and testify to the bad character of the petitioner. It was more likely out of desperation, than out of design, that unconstitutional proceedings were resorted to, to deny petitioner admission to the bar.

Petitioner is not a bad man, though he is probably unpopular in some quarters. Because of his successful opposition to utility rate increases, and because of his public interest litigation, some successful and some unsuccessful, petitioner has not been a favorite of the conservative rural bar in central Illinois.[2] It is not surprising that in a life characterized in parts by adventure, business success and public interest advocacy, petitioner would have made a number of influential enemies. But personal passions can never justify an abuse of authority or a denial of constitutional rights, a fortiori in seeking to deny a person a license to practice his profession.

Justice Black anticipated this type of case—they are infrequent and unusual situations but they do occur—when he observed:

> (I)t must be remembered that the right of a lawyer or bar applicant to practice law is often more valuable to him than his home, however expensive that home may be. Therefore, I think that when a state seeks to deny an applicant admission or to disbar a lawyer, it must proceed according to the most exacting demands of due process of

2. Long before the energy crisis was in vogue, Petitioner was appealing to the Federal Power Commission to develop a national energy policy and seeking to develop the interrelationships between regulatory agencies and monopoly power. Controversial matters of this type must inevitably lend one into strong conflicts, of the type inimical to "downstate" Illinois lawyers. Yet for every lawyer who has attacked him, petitioner has received hundreds of calls and letters of thanks from common citizens who admire his fearlessness, even at the price of his profession. Thus, it is not surprising that not one citizen would come forth to accuse petitioner of impropriety or to testify to his bad moral character.

> law. This must mean at least that the right of a lawyer or Bar applicant to practice cannot be left to the mercies of his prospective or present competitors.
>
> *Law Students Civil Rights Research Council* v. *Wadmond*, 401 U. S. 154, at 174 (Black, *J.* dissenting).

When needless injury and constitutional deprivation are inflicted on an innocent individual and when his livelihood is taken from him without due process of law on the basis of passion and prejudice and provocative abuse of official authority, it is not only the individual who suffers, it is society as well. When such unconscionable acts occur within the framework of the legal profession, it is not only the individual who is diminished, but every lawyer and judge to whom such conduct is inimical.

Petitioner prays that the petition be allowed and that the judgment of the Supreme Court of Illinois be reversed.

Respectfully submitted,

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SERVICE

I certify I have served a copy of this reply on counsel for respondent.